REMARKS/ARGUMENTS

Status of Claims

Claims 1-34 were originally presented, with claims 1, 11, 17, 22, and 28 being independent. Claims 1, 11, 17, 22, 28, and 30 have been amended, and new claim 35 has been added by way of this amendment. Thus, claims 1-35 are presently pending, with claims 1, 11, 17, 22, 28, and 35 being independent.

Office Action

Amended Claims

Claims 1, 11, and 17 have been amended to additionally recite the steps of "communicating the terms of the loan to a customer", and "receiving confirmation of the customer's acceptance and understanding of the terms of the loan". Claim 22 has been amended to recite additional code segments including "a code segment operable to communicate the terms of the loan to a customer", and "a code segment operable to receive confirmation of the customer's acceptance and understanding of the terms of the loan". Claim 28 has been amended to recite a processor operable "to utilize the connection element to communicate the terms of the loan to a customer and receive confirmation of the customer's understanding and acceptance of the terms of the loan". Support for these amendments can be found in the specification in paragraph 48 and in FIG. 4, wherein details of receiving a loan request (step 104 of FIG. 3) are discussed.

New Claim

Applicant has added claim 35 directed toward a method for short term loan processing. Support for this claim can be found in FIGs. 3 and 4, as well as ¶¶ 34-55 of the specification.

Claim Objections

In the Office Action dated October 29, 2008, the Examiner objected to claim 30 for an informality. Applicant has amended claim 30 to remove the inappropriately added word "the".

Claim Rejections under 35 U.S.C. § 101

The Examiner rejected claims 22-27 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Applicant has amended the preamble of independent claim 22 to recite "A computer-readable medium comprising a combination of code segments executable by a processor, the code segments comprising". Claim 22 is now directed toward a computer-readable medium comprising a combination of code segments, which follows the form of a "Beauregard" claim. In *Ex Parte Bo Li*, the Board of Patent Appeals and Interferences (BPAI) held that Beauregard claims qualify as a "product" under 35 U.S.C. § 101 and are therefore statutory subject matter. Thus, Applicant submits that claims 22-27 are statutory.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-7, 9-13, 15-16, 22-25, and 27 under 35 U.S.C. § 102(e) as being anticipated by Foss, Jr. et al. (U.S. Patent Application Publication No. 2004/0225604) (hereinafter, "Foss"). Applicant respectfully submits that Foss does not disclose, teach, or suggest all the elements and limitations of newly-amended independent claims 1, 11, and 22, along with their dependent claims.

Foss discloses a system and method for providing a checkless checking account. The checkless checking account may be issued to individuals who are typically non-credit worthy. The individual may open an account and be issued a card with which to initiate transactions. However, Foss does not disclose, teach, or suggest a system, a method, or a computer-readable medium with code segments for short term loan processing. Foss briefly discloses payday loan channels in ¶¶ 0040 and 0043. But Foss does not provide any details regarding the loan process. The Examiner asserts that Foss discloses the steps of the claims 1, 11, and 22 in ¶¶ 0030, 0046-0049, 0065-0067, 0069, and 0071. In these paragraphs, Foss discloses processing an account creation request, creating an account, and an example of performing a transaction.

In the example, Foss discloses that a customer has a basic card account with a balance of $10 and overdraft protection of $300 (¶ 0065). The customer requests a $50 **withdrawal** from the account (emphasis added). Applicant submits that requesting a withdrawal from an account that already has the customer's own money in it cannot be considered equivalent to receiving a loan request, as recited in claims 1, 11, and 22. A loan is funding that a customer receives which he does

not already possess and which must be paid back. In Foss's example, if the customer had requested a $10 withdrawal, then he would owe no money at all. With a loan, any and all money that is requested must be paid back.

After the transaction of the example in Foss, the customer's account balance is -$65 (¶ 0067), reflecting the overdraft of $40 plus a $25 fee. Foss does not disclose depositing a loan amount immediately into the loan account, as recited in claims 1, 11, and 22. If Foss disclosed a loan, as claimed in the current invention, then the account would have a positive balance of the requested loan amount before the withdrawal, and a zero balance after the customer withdrew the funds.

Since Foss does not disclose, teach, or suggest a system or a method for short term loan processing, the customers in Foss do not actually request a loan and do not agree to the terms of a loan. In fact, the customer may make a withdrawal and not be aware that he is overdrawn and owes any money. As a result, Foss does not disclose communicating the terms of the loan to a customer, receiving confirmation of the customer's acceptance and understanding of the terms of the loan, and approving the loan request utilizing computing equipment such that human involvement is not required to approve the loan request, as recited in claims 1, 11, and 22. Therefore, Applicant submits that Foss fails to disclose key steps that are recited in claims 1, 11, and 22, as well as their dependents, and thus, these claims are not anticipated or rendered obvious by Foss.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 8, 14, and 26 under 35 U.S.C. 103(a) as being unpatentable over Foss, in view of Sinnott (U.S. Patent Application Publication No. 2004/0010419). Claims 8, 14, and 26 depend from independent claims 1, 11, and 22, respectively, and are therefore patentable for at least the reasons discussed above.

The Examiner rejected claims 17-18, 20-21, 28-31, and 33-34 under 35 U.S.C. 103(a) as being unpatentable over Foss, in view of Kriplani et al. (U.S. Patent No. 7,353,203) (hereinafter, "Kriplani"). Applicant respectfully submits that independent claims 17 and 28, along with their dependent claims, are not anticipated or rendered obvious by Foss, Kriplani, or the combination of the two.

Claim 17 recites steps of a method for short term loan processing that are similar to steps discussed above for claims 1 and 11. Thus, the same arguments apply for claim 17 as applied to claims 1 and 11. Likewise, Foss does not disclose system elements that perform the steps of the method claims. Specifically, Foss does not disclose an input device operable to receive a loan request through the communications network, a processor operable to utilize the connection element to communicate the terms of the loan to a customer and receive confirmation of the customer's understanding and acceptance of the terms of the loan, and to execute the combination of code segments and access the database to approve the loan request such that human involvement is not required to approve the loan request, and a transfer device operable to immediately deposit a loan amount into an account, accessible by the customer, and automatically withdraw the loan amount

and a loan fee from the account when additional funds are deposited into the account, as recited in claim 28.

Kriplani discloses a system and method for billers and payers to manage accounts receivable for business to business payments using a third-party intermediary. Kriplani's disclosure is directed toward billing and payment issues, such as allowing billers to be paid faster and payers to delay payment, while minimizing the risk of default to the intermediary. As such, Kriplani does not disclose a method or system for short term loan processing, as claimed in the current invention. Furthermore, Kriplani fails to disclose the same features that Foss fails to disclose, as discussed above.

Foss and Kriplani fail to disclose key features of the claimed invention individually. Combining Foss with Kriplani would not cure these deficiencies, as the combination of the two would still lack those key elements. Specifically, the combination of Foss and Kriplani would not disclose, teach, or suggest receiving a loan request from the customer through a communications network, communicating the terms of the loan to the customer, receiving confirmation of the customer's acceptance and understanding of the terms of the loan, approving the loan request immediately by utilizing computing equipment such that human involvement is not required to approve the loan request, and depositing a loan amount immediately into the loan account utilizing the computing equipment such that human involvement is not required to deposit the loan amount into the loan account, as recited in claim 17. In addition, Foss and Kriplani would not disclose, teach, or suggest an input device operable to receive a loan request through the communications

network, a processor operable to utilize the connection element to communicate the terms of the loan

to the customer and receive confirmation of a customer's understanding and acceptance of the terms

of the loan, and to execute the combination of code segments and access the database to approve the

loan request such that human involvement is not required to approve the loan request, and a transfer

device operable to immediately deposit a loan amount into an account, accessible by the customer,

and automatically withdraw the loan amount and a loan fee from the account when additional funds

are deposited into the account, as recited in claim 28. As a result, Applicant respectfully submits that

claims 17 and 28 are not anticipated or rendered obvious by Foss, Kriplani, or the combination of

the two.

The Examiner rejected claims 19 and 32 under 35 U.S.C. 103(a) as being

unpatentable over Foss and Kriplani, further in view of Sinnott. Claims 19 and 32 depend from

independent claims 17 and 28, respectively, and are therefore patentable for at least the reasons

discussed above.

Claim 35

New claim 35 is directed toward a method for short term loan processing and recites

the steps of claim 11 as well as additional steps not disclosed or suggested by the prior art of record.

For at least the reasons discussed above regarding claim 11, claim 35 is not anticipated or rendered
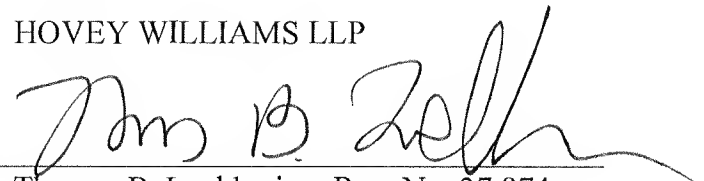
obvious by the prior art of record.

Conclusion

In view of this response and the remarks herein, Applicants respectfully submit that claims 1-35 are in allowable condition and requests a corresponding Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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